

October 9, 2006

Modification of Waiver Request

Mr. Julius Knapp, Acting Chief
Federal Communications Commission
Office of Engineering Technology
445 12th Street, S.W.
Washington, DC 20554

Re: *In the Matter of Multispectral Solutions, Inc.'s Request for a Waiver of Part 15 of the Rules*, ET Docket No. 06-103.

Dear Mr. Knapp:

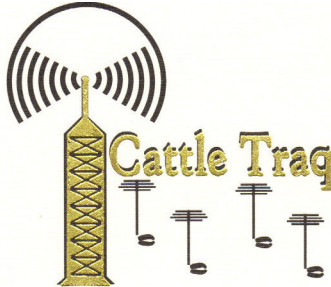
On April 12, 2006, Multispectral Solutions, Inc. (MSSI) filed a request for a waiver of Part 15 of the Commission's rules to enable its ultra wideband (UWB)-based, radio frequency identification (RFID) and real-time location system (RTLS), *Sapphire DART* (current FCC ID: QCJPAL6511X1) to operate with a 12.75 dB increase in the peak power, without affecting the average power for transmitters operating under Section 15.250 in the 5925-7250 MHz band.¹ Specifically, MSSI requested a waiver of Part 15.250 of the Commission's rules as follows:

“Modify 15.250(d)(3) to read: ‘The peak EIRP limit is $12.75 + 20 \log(\text{RBW}/50)$ dBm, where RBW is the resolution bandwidth in megahertz that is employed by the measurement instrument. RBW shall not be lower than 1 MHz or greater than 50 MHz.’”²

¹ *Ex Parte Letter to Mr. Julius Knapp from Multispectral Solutions, Inc.*, ET Docket No 06-103 (filed April 12, 2006).

² *Id.* at 1.

I am disappointed to note that MSSSI is now requesting that “livestock” be eliminated from the waiver request. As you may be aware, the livestock industry needs an alternative to the inadequate animal tracking system which is currently in place. Upon testing many different frequencies, UWB has emerged as only technology that can give the accuracy in indoor and outdoor environments where a lot of metal is present, commerce moves fast, and reliability is an issue. To be effective in the livestock market, however, higher powered tags are needed. The fact that MSSSI has withdrawn its request does not in any way mean that this industry has withdrawn its support for UWB technology. It means only that MSSSI, for its own reasons,



has chosen not to work with industry leaders, who will continue to support technology needed for the tracking of animals, including UWB.

When I was contacted in early May by MSSSI and asked if I could gather support for their waiver request from the livestock industry, I was not aware that other potential alternatives were available. Having read Time Domain Corporation’s reply comments³, it became clear not only that a licensed approach to higher power UWB was an option, but also that MSSSI would be the only benefactor of the waiver as requested.

I understand that the Commission has very limited bandwidth to analyze and approve individual rules and waiver requests, and I would urge it to use that time to explore options which benefit multiple industries and multiple vendors. Not only do safety and national security concerns extend significantly beyond the scope of the current waiver request, but the cost and risk of technology solutions are also reduced by enabling many vendors and fostering competition.

Respectfully Submitted,

³ *Ex Parte Comments from Time Domain Corporation*, ET Docket No 10-103, filed June 6, 2006.

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